

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONNELL D. JACKSON,

Plaintiff,

v.

CASE NO. 2:13-CV-10592
HONORABLE GERSHWIN A. DRAIN

CRAIG MICHELIN, et al.,

Defendants.

**OPINION AND ORDER DENYING PLAINTIFF'S LETTER REQUEST AND
DISMISSING WITHOUT PREJUDICE HIS CIVIL RIGHTS COMPLAINT**

Plaintiff Donnell D. Jackson, a federal prisoner currently confined at the Federal Correctional Institution in Milan, Michigan, has filed a pro se civil rights complaint pursuant to 42 U.S.C. § 1983 and *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), and a letter requesting that the Court deduct the \$350.00 filing fee from his account. Plaintiff previously filed the same complaint and an application to proceed without prepaying the fees and costs pursuant to 28 U.S.C. § 1915(a). The Court dismissed his complaint without prejudice and denied his application because he had a current spendable balance of \$2,008.17 in his prison account as of January 7, 2013 when an administrative officer at the prison certified his financial statement. See *Jackson v. Michelin, et al.*, No. 2:13-CV-10203 (E.D. Mich. Jan. 30, 2013) (Tarnow, J.). Plaintiff now asks the Court to withdraw the \$350.00 filing fee from his account. The responsibility to pay the full filing fee, however, rests with Plaintiff not the Court.

Accordingly, the Court **DENIES** Plaintiff's letter request and **DISMISSES** his civil

rights complaint **WITHOUT PREJUDICE**. Plaintiff may refile his complaint as a new action with payment of the \$350.00 filing fee. The Court makes no determination as to the merits of the complaint.

IT IS SO ORDERED.

/s/Gershwin A Drain
GERSHWIN A. DRAIN
UNITED STATES DISTRICT JUDGE

Dated: February 14, 2013